

Senate had confirmed the following nomination of the Governor:

To be District Attorney of the 50th Judicial District to fill the unexpired term of Joe Reeder, Jr., resigned:

Dee J. Brookreson of Seymour, Baylor County.

#### In Legislative Session

The President called the Senate to order, as in legislative session, at 11:27 o'clock a.m.

#### Additions to Standing Committees

The President announced the following appointments to the list of standing committees:

Committee on Oil, Gas and Conservation: Senators Kelley of Hidalgo and Kelly of Tarrant.

Committee on Public Health: Senator Corbin.

Committee on Insurance: Senator Hudson.

Committee on Highways and Motor Traffic: Senator Bell.

Committee on Game and Fish: Senator Kelley of Hidalgo.

Committee on Judicial Districts: Senator Kelley of Hidalgo.

#### Adjournment

On motion of Senator Morris, the Senate at 11:30 o'clock a.m., adjourned until 10:30 o'clock a.m., Monday, February 7, 1949.

#### Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

#### FIFTEENTH DAY

(Monday, February 7, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hardeman
Ashley	Harris
Bell	Hazlewood
Bracewell	Hudson
Bullock	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant
Cousins	Lock

Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick
Phillips	Weinert
Proffer	

Absent

Lane

Absent—Excused

Carney

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Bell and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

#### Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Shofner.

#### Reports of Standing Committees

Senator Taylor submitted the following report:

Austin, Texas,  
February 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 179, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

TAYLOR, Vice-Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
February 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 169, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 10, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 120, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
February 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 88, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

#### Senate Resolution 34

Senator Aikin offered the following resolution:

Whereas, Honorable A. N. Quarles of Clarksville is visiting in the Capitol, together with Honorable Hub Petty; and

Whereas, The Senate is delighted to have these two outstanding citizens as our guests; therefore, be it

Resolved, That both Mr. Quarles and Mr. Petty be extended the privileges of the floor for today.

The resolution was read and was adopted.

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read severally first time and referred to the committees indicated:

By Senator Moffett:

S. B. No. 187, A bill to be entitled "An Act providing that this Act shall be cited as the County Agricultural Statistics Law, reciting the legislative determination as to the needs for county agricultural statistics, declaring the purpose of the Legislature to provide a means whereby such statistics shall be made available regularly; authorizing the Agricultural and Mechanical College of Texas to collect, tabulate, interpret and publish such statistics; providing that such statistics shall be supplemental to those now being made available by other agencies; providing that the said College is empowered to accomplish the purposes of this Act by either independent means, by cooperation with other states, federal, or private agencies, or by both means; authorizing an appropriation for the remainder of the current fiscal year; and declaring an emergency."

To Committee on Finance.

By Senator Kelley of Hidalgo:

S. B. No. 188, A bill to be entitled "An Act providing procedure for the annexation, by certain cities and towns, with the consent of the owners, of land or territory, to the extent of one-half mile in width, which is vacant and without residents, or on which less than three qualified voters reside, contiguous and adjacent to any incorporated city or town having a population of five thousand (5,000) or less inhabitants, according to the last preceding Federal Census; etc., and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator McDonald:

S. B. No. 189, A bill to be entitled "An Act authorizing the Commissioners Court in any County having a population of not less than sixty-nine thousand and eighty (69,080) and not more than sixty-nine thousand one hundred (69,100) inhabitants according to the last preceding Federal Census to lease or sell any County Hospital belonging to said County upon such terms and conditions as may be agreed to by the Commissioners Court of such County and providing that no sale of such Hospital shall be confirmed by the Commissioners Court of such County until such sale be approved by a majority vote of the prop-

erty tax paying citizens of such county and providing for the manner of conducting such election and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Hazlewood:

S. B. No. 190, A bill to be entitled "An Act authorizing Junior College districts to issue refunding bonds; prescribing the method of issuing such bonds; requiring approval thereof by the Attorney General and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 191, A bill to be entitled "An Act providing for the sale of all or any portion of three tracts of land owned by The Agricultural and Mechanical College of Texas, situated in the John P. Cole seven and one ( $7\frac{1}{2}$ ) league grant in Burleson County; prescribing the manner and terms of sale; and declaring an emergency."

To Committee on State Affairs.

By Senators Moore and Shofner:

S. B. No. 192, A bill to be entitled "An Act amending House Bill No. 155, passed at the Regular Session of the 50th Legislature of Texas, and declaring an emergency."

To Committee on Insurance.

By Senators Moore and Shofner:

S. B. No. 193, A bill to be entitled "An Act amending Acts 1929, passed at the First Called Session of the 41st Legislature, page 90, Chapter 40, of the session laws of such session of the Legislature, as amended by Acts of 1947, Regular Session of the 50th Legislature, page 430, Chapter 236, of the session laws of such Legislature, and declaring an emergency."

To Committee on Insurance.

By Senator Bracewell:

S. B. No. 194, A bill to be entitled "An Act to make permanent the 133rd and 129th District Courts of Harris County, Texas, and making same cumulative of the provisions of Chapter 308, Acts of the Regular Session of the 50th Legislature, 1947, page 525, except insofar as the provision therein for the termination of said Courts is

concerned, which provision is repealed, and declaring an emergency."

To Committee on Judicial Districts.

By Senator Phillips:

S. B. No. 195, A bill to be entitled "An Act providing for the appointment of juvenile officers in counties which comprise a part of two judicial districts, each of which districts consists of four and the same four counties, which four counties have a combined population of not less than one hundred sixteen thousand according to the last preceding Federal Census; providing for a salary for such juvenile officers and the manner of payment thereof; providing additional compensation for the district judges in said counties; designating the duties of such county juvenile officers; providing that such juvenile officers shall make surety fidelity bond; providing that a record shall be kept of the receipts and disbursements of such county juvenile officers; providing that the county auditor shall inspect and examine such records; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Phillips:

S. B. No. 196, A bill to be entitled "An Act to amend Section 1 of Article 5139 of the Revised Civil Statutes of Texas of 1925, as amended by Act of the 49th Legislature, Chapter 268, Page 422, as amended by Act of 50th Legislature, Chapter 326, Page 560, so as to provide for county juvenile boards in counties which comprise a part of two judicial districts, each of which districts consists of four and the same four counties, and which four counties have a combined population of not less than 116,000 according to the last preceding Federal Census; providing for additional salaries for their members; providing a saving clause, and declaring an emergency."

To Committee on Judicial Districts.

By Senator Phillips:

S. B. No. 197, A bill to be entitled "An Act amending House Bill 564, Acts, 46th Legislature (1939), page 487, by adding thereto a new Section 5 pertaining to the National Guard Armory Board, by authorizing the Texas National Guard Armory Board to receive from the Adjutant General state-owned National Guard Camps

and all land and improvements, buildings, facilities, installations, and personal property in connection therewith and administer the same or make proper disposal of such property otherwise when designated by the Adjutant General as "surplus" and when directed by him as being in the best interest of the Texas National Guard, its successors or components; authorizing the Texas National Guard Armory Board to sell, remove, dismantle, and sever or exchange or authorize the removal, sale, dismantling and severance of any of said property to accomplish the above purposes; and declaring an emergency."

To Committee on State Affairs.

By Senator Phillips:

S. B. No. 198, A bill to be entitled "An Act to amend Section 3 of Chapter 506 of the Acts of the Forty-fifth Legislature, Pages 1494-A, as amended by Chapter 18, Section 1, of the Acts of the Forty-sixth Legislature, page 661, same also being designated Section 3 of Article 7345-B of Vernon's Civil Statutes of Texas, by adding thereto Subdivisions F, G and H, providing that where any land, either rural or urban, has been divided into lots or tracts that all of the owners of lots or tracts in said subdivision upon which taxes are due and delinquent to the State of Texas, any political subdivision thereof or any taxing unit, as the same is defined in said law, may be joined in one suit for the collection of all taxes delinquent upon lots or tracts in any such subdivision, but that in such suits judgment shall be rendered and the tax lien foreclosed upon each tract separately for the amount of taxes against such respective tracts, and that in event of foreclosure each of said tracts or lots shall be sold separately to satisfy the lien for taxes thereon, and providing further that where the taxes against such lots or tracts in such subdivisions are assessed against any person or persons whose residence and whereabouts are unknown to the attorney filing such suit or a non-resident of the State of Texas or an unknown owner, that all citations, notice and other process may be served upon such non-residents, persons whose residence and whereabouts are unknown to the attorney filing said suit or against unknown owners by posting such citation, notice or process at three public places

in the county in which said lots or tracts are situated, one of which shall be at the door of the courthouse of such county, for at least fourteen days prior to the time when such process is returnable and when said notice, citation or process is posted as herein provided it shall be sufficient and no other form of citation, notice or process upon such defendants shall be necessary, providing that such provisions shall be cumulative of all other laws upon the same subject when not in direct conflict therewith, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Phillips:

S. B. No. 199, A bill to be entitled "An Act requiring all juries in civil cases tried in the district courts of this State to be kept together until discharged or a verdict is reached after the submission of the case to them; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Phillips:

S. B. No. 200, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than twenty-seven thousand one hundred fifty (27,150) and not less than twenty-seven thousand fifty-nine (27,059) inhabitants according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Aikin:

S. B. No. 201, A bill to be entitled "An Act amending Chapter 1, Title 116, Article 6675 of the Revised Civil Statutes of the State of Texas, as amended, by providing for the payment of a registration fee of \$2.50 by all members of the National Guard of the State of Texas, who are members of an active, Federally recognized unit of the National Guard of the State of Texas, and declaring an emergency."

To Committee on State Affairs.

By Senator Aikin:

S. B. No. 202, A bill to be entitled "An Act to amend Article 666, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 171, of the Acts of the 48th Legislature, and by Chapter 289, of the Acts of the 50th Legislature, to provide for a method of selling, disposing or transferring of state property which has become unfit for use or no longer needed; providing for a notice of sale; providing for disposition of monies received from sale or transfer; providing for a final report covering sale and disposition; and providing for the disposition of property which cannot be sold; and declaring an emergency."

To Committee on State Affairs.

By Senator Bracewell:

S. B. No. 203, A bill to be entitled "An Act empowering and directing the State Department of Public Welfare to refund to the Federal Government One Thousand Eight Hundred and Ninety-Four Dollars and Sixty-Nine Cents (\$1,894.69) to make adjustment in amounts expended in excess of those found necessary by the Social Security Administration for the proper administration of the Civilian War Assistance Program and the Enemy Alien Program; providing for a repealing clause, a saving clause, and declaring an emergency."

To Committee on Finance.

By Senator Strauss:

S. B. No. 204, A bill to be entitled "An Act requiring all section, bridge and building, and maintenance of way motor cars operated by any railroad in this State to be equipped with electric head lamps and rear lamps; providing a penalty; providing for an injunction; providing if any section, sentence or clause shall be declared invalid, other sections or parts of the Act shall not be affected thereby; and declaring an emergency."

To Committee on Labor.

By Senators Morris, Bell, Aikin, Strauss, Shofner, Bullock, Phillips, Vick and Taylor:

S. B. No. 205, A bill to be entitled "An Act to facilitate and encourage the distribution of electric energy to the inhabitants of the small towns, villages and rural areas of the State of Texas by providing that lines for the transmission and transportation

of electric energy may be constructed, erected and maintained on the right-of-way of roads and highways outside the corporate limits of cities and towns; and providing that such lines may be constructed, erected and maintained within the corporate limits of a city or town with the consent and under the direction of its governing body; and providing adequate standards of construction for the safety of the public; repealing all laws and parts of laws in conflict herewith; containing the severability clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 206, A bill to be entitled "An Act amending Article 279a, Revised Civil Statutes of Texas, Acts 1935, 44th Legislature, Page 670, Chapter 281, Section 1, to include Veterans Administration, and the Administrator of Veterans Affairs in exemption from bond; repealing all laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator McDonald:

S. J. R. No. 5, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature to provide for the creation and establishment of rural fire prevention districts.

To Committee on Constitutional Amendments.

### Senate Resolution 35

Senator Harris offered the following resolution:

Whereas, Honorable W. C. Graves of Dallas, is in the Capitol; and

Whereas, The distinguished citizen is a former Member of the Senate of the State of Texas; and

Whereas, The Senate will be glad to welcome Senator Graves; now, therefore, be it

Resolved, That he be invited to address the Senate briefly and extended the privilege of the floor for today.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Harris, Kelly of Tarrant

and Hardeman as a committee to escort Senator Graves to the President's stand.

The President presented Senator Harris who presented Senator Graves to the Senate.

Senator Graves then addressed the Senate briefly.

#### Senate Bill 45 on Second Reading

Senator Martin moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 45 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Lane

#### Absent—Excused

Carney

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 45, A bill to be entitled "An Act to amend Article II, Section 2, House Bill No. 295, Acts of the 50th Legislature, relative to filing date of applications; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator McDonald offered the following amendment to the bill:

#### (1)

Amend S. B. 45 by adding a new section to be known as Section II, after the words "month's salary" in line 22, to read as follows:

"Section II. Amend Article IV, Section 2, of House Bill 295, Acts of the 50th Legislature, Regular Session, to read as follows:

"Section 2. Application for Tuition Aid. It shall be the duty of the County Superintendent to receive and check all tuition applications to determine the following facts: age of pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, and the amount of time the pupil was in actual attendance at the receiving school. When such application has been reviewed and checked as herein provided, same shall be properly sworn to by county superintendent, the president and/or secretary of the school board of the sending district of the pupil, and the superintendent of the receiving school, before said application is transmitted to the Director of Equalization in Austin, Texas, for his rejection, modification, or approval of the Legislative Accountant; and no such application shall be considered by the Director of Equalization unless same has been duly deposited with him at Austin, Texas, within one hundred (100) days after his request for same, and in no instance later than August 15 of the current school year."

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

#### (2)

Amend S. B. 45 by amending Section III, Line 27, of the printed bill, by adding after the comma which follows "Section 2" the following "and Article IV, Section 2,".

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

#### (3)

Amend S. B. 45 by renumbering Section II and Section III to read "Section III and Section IV", respectively.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

S. B. No. 45 was then passed to engrossment.

#### Senate Bill 45 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Lane

#### Absent—Excused

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Kelly of Tarrant
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

#### Nays—1

Lock

#### Absent

Lane

#### Absent—Excused

Carney

(Senator Weinert in the Chair.)

#### Senate Bill 26 on Second Reading

Senator Moffett moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 26 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Lane

#### Absent—Excused

Carney

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 26, A bill to be entitled "An Act amending Article 694, Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 26 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Bracewell
Ashley	Bullock
Bell	Colson

Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lock	Vick
Martin	Weinert
McDonald	

Absent

Lane

Absent—Excused

Carney

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Lane

Absent—Excused

Carney

(President in the Chair)

**Resolutions Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following resolutions:

H. C. R. No. 15, Permitting each House to adjourn from Thursday, February 3, 1949, to Monday, February 7, 1949.

S. C. R. No. 9, Relative to selecting a Poet Laureate of Texas.

H. C. R. No. 13, Commending the Reserve Officers Association for its leadership in establishing observance of National Security Week.

**Senate Bill 93 on Second Reading**

Senator Kelly of Tarrant moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 93 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—2

Morris                      Strauss

Absent

Lane

Absent—Excused

Carney

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act amending Article 2620, Revised Civil Statutes of Texas, 1925, changing the name of the North Texas Junior Agricultural, Mechanical and Industrial College; providing for a governing board for said re-designated College; defining the power and duties of said board; authorizing the purposes of said College; providing the new designation of said College shall apply in all prior statutes or references; and declaring an emergency."

The bill was read second time and was passed to engrossment by the following vote:

**Yeas—22**

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lock
Bullock	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Tynan

**Nays—7**

Hardeman	Taylor
Moore	Vick
Morris	Weinert
Strauss	

**Absent**

Lane

**Absent—Excused**

Carney

**Senate Bill 5 on Second Reading**

Senator Kelley of Hidalgo moved that Section 5 of Article III of the Senate Constitution be suspended and that S. B. No. 5 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

**Absent**

Lane

**Absent—Excused**

Carney

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 5, A bill to be entitled "An Act authorizing an election for the purpose of creating a County-wide School Equalization Fund in certain counties; providing for the election therefor; providing for the manner of collecting taxes for the purpose of said equalization fund and for the distribution thereof; providing certain limitations on elections to revoke any tax levied hereunder; providing a savings clause and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 5 by striking out Sec. 4.

The amendment was adopted.

S. B. No. 5 was then passed to engrossment.

(Senator Aikin in the Chair.)

**Senate Bill 5 on Third Reading**

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

**Absent**

Lane

**Absent—Excused**

Carney

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Absent

Lane

## Absent—Excused

Carney

## Senate Bill 104 on Second Reading

Senator Proffer moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 104 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Absent

Lane

## Absent—Excused

Carney

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 104, A bill to be entitled "An Act validating certain consolidations of rural high school districts, common school districts, and independent school districts; declaring such consolidated districts to be subject to the general laws relating to independent school districts; making provision for the appointment of a board of trustees in the manner authorized by the consolidation elections; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time.

Senator Bell offered the following amendment to the bill:

Amend S. B. No. 104, p. 1, line 18, by striking out the word "one" before the word "county" and inserting in lieu thereof the word "two."

The amendment was adopted.

Senator Proffer offered the following committee amendment to the bill:

## (1)

Amend S. B. No. 104 by adding a new section following Section 2 to be numbered Section 3 and renumbering subsequent sections accordingly, said new section to read as follows:

"Section 3. This Act shall not apply to any district which on the effective date of this Act is involved in litigation which questions the creation, annexation or consolidation of such a district, or the election for the purpose of creating, annexing or consolidating such a district."

Senator Proffer offered the following substitute for the committee amendment:

Amend committee amendment No. 1 to S. B. No. 104 by substituting therefor the following:

"Section 3. This Act shall not apply to any district which on the effective date of this Act is involved in litigation brought by qualified voters or taxpayers residing therein which questions the creation, annexation or consolidation of such a district, or the election for the purpose of creating, annexing or consolidating such a district."

The substitute was adopted.

The committee amendment as substituted was then adopted.

S. B. No. 104 was then passed to engrossment.

(President in the Chair.)

**Senate Bill 104 on Third Reading**

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Lane

Absent—Excused

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

**Nays—1**

Hardeman

Absent

Lane

Absent—Excused

Carney

**Senate Bill 54 on Second Reading**

Senator Bell moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 54 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Lane

Absent—Excused

Carney

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act validating the creation of Road District No. 4-A of Atascosa County, Texas; validating the election held on July 31, 1948, authorizing the issuance of road bonds; authorizing the issuance of road bonds of Road District No. 4-A without the necessity of compensating other road districts overlapped in part by Road District No. 4-A; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 54 on Third Reading**

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

**Absent**

Lane

**Absent—Excused**

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

**Nays—1**

Hardeman

**Absent**

Lane

**Absent—Excused**

Carney

**Message From the Governor**

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,  
February 7, 1949.

To the Members of the 51st Legislature:

Since the Legislature was last in session, Mr. Charles H. Miller of Barstow, Texas, Pecos River Compact Commissioner for Texas, has reached an agreement with the Compact Commissioner for New Mexico, equitably dividing the waters of the Pecos River and its tributaries between the two states.

A Compact setting forth this agreement was duly signed at Santa Fe, New Mexico, on November 3, 1948.

The ratification of this Compact by the Legislatures of Texas and New Mexico and by the Congress of the United States will bring to a close a controversy of more than twenty-five years duration between Texas and New Mexico.

Bills have been introduced in the Texas Legislature which if enacted into law will approve the Compact, authorize the appointment of a Commissioner to administer the provisions of the Compact; provide for the expenses of administering the Compact; and appropriate the unexpended balance out of funds appropriated for use of the Pecos River Compact Commissioner in Senate Bill 17, Acts of the 50th Legislature for use of said Pecos River Compact Commissioner for the biennium ending August 31, 1949.

Under the authority of Section 5 of Article III of the Constitution, I submit the ratification of this Compact and the other matters covered in the aforementioned bills, as subjects for emergency legislation.

Respectfully submitted,

BEAUFORD H. JESTER,  
Governor of Texas.

**Bill Ordered Not Printed**

On motion of Senator Hudson, and by unanimous consent, S. B. No. 169 was ordered not printed.

**Senate Bill 169 on Second Reading**

Senator Hudson moved to suspend the regular order of business to take up S. B. No. 169 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Absent

Lane

## Absent—Excused

Carney

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 169, A bill to be entitled "An Act approving and adopting the Pecos River Compact; authorizing the Governor to appoint a Commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the Commissioner; appropriating for the expenses of administering the Compact; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 169 on Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 169 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Colson
Ashley	Corbin
Bell	Cousins
Bracewell	Hardeman
Bullock	Harris

Hazlewood	Morris
Hudson	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick
Moffett	Weinert
Moore	

## Absent

Lane

## Absent—Excused

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Absent

Lane

## Absent—Excused

Carney

## Message From the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
February 7, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Finance Commission for six year terms to expire February 1, 1955:

W. A. Pounds of Tyler, Smith County;

Neal Greer of Houston, Harris County;

Cecil D. Ward, Sulphur Springs, Hopkins County.

To be Assistant Adjutant General of the State of Texas:

Brigadier General William H. Martin of Austin, Travis County, Texas.

Respectfully submitted,

BEAUFORD H. JESTER,  
Governor of Texas.

**Adjournment**

On motion of Senator Strauss, the Senate at 12:30 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

**John Bonner Garrison**

---

Senator Phillips offered the following resolution:

(Senate Resolution 32)

Whereas, On the sixth day of January, 1949, God, in His infinite wisdom, called to his eternal reward, our friend and fellow townsman, John Bonner Garrison, of Freeport, Brazoria County, Texas; and

Whereas, John Bonner Garrison was born June 2, 1894, at Galveston, moved to Angleton in 1910, where he finished high school, and was one of the first group from this section to volunteer for the army in World War I, and following his discharge from overseas service at the end of World War I, moved to Freeport, Texas, where he has resided until his untimely passing; and

Whereas, John Bonner Garrison was quiet, kindly, considerate and efficient; he was a steward of the First Methodist Church of Freeport; past master of Velasco Lodge 757, A. F. and M; past commander of Ralph Harrison Post No. 265, American Legion; and a member of the 40 and 8 organization, a branch of the American Legion; and a member of the Veterans of Foreign Wars; and

Whereas, He was a fine Christian gentleman, loved and respected by all who knew him; now, therefore, be it

Resolved, By the Senate of Texas, that we do here and now pay tribute to the memory of this good and righteous Christian gentleman and point with pride to his many achievements, and that we extend our most sincere sympathy to his wife, Mrs. Mae Garrison, and son, John Bonner Garrison, Jr., and other members of the family in their bereavement, and that a copy of this Resolution be spread upon the Journal of the Senate; that copies be sent to surviving members of the family; and when the Senate adjourns today we do so in memory of John Bonner Garrison.

The resolution was read and was adopted.

**In Memory of**

**Sul Ross Harrington**

---

Senator Phillips offered the following resolution:

(Senate Resolution 33)

Whereas, On January 19, 1949, the State of Texas and especially the people of the Twenty-third Judicial District suffered a grievous loss in the death of Sul Ross Harrington, a most able and respected citizen of Bay City and Matagorda County, Texas; and

Whereas, Sul Ross Harrington was a descendant of former Governor Sul Ross; and

Whereas, Sul Ross Harrington was reporter for the Twenty-third District Court for twenty-five years; and

Whereas, He was a World War I veteran, a member of the American Legion, Shriners, Knights Templar, Lions, and Booster Clubs, and the Board of Stewards of the First Methodist Church; and

Whereas, During his lifetime he established a permanent place for himself in the hearts of those who lived and worked with him; and

Whereas, He lived honestly, well, and courageously. His genial personality will long be remembered by his friends and acquaintances; now, therefore, be it

Resolved, By the Senate of Texas, that we extend to the members of his family our sincere sympathy on the passing of Sul Ross Harrington; that a copy of this resolution be mailed to the family of the deceased; and that when the Senate stands adjourned today, it do so in respect to the memory of Sul Ross Harrington.

The resolution was read and was adopted.